

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF VERMONT**

MID VERMONT CHRISTIAN SCHOOL,
on behalf of itself and its students and its
students' parents; **A.G.** and **M.G.**, by and
through their parents and natural guardians,
Chris and Bethany Goodwin;
CHRISTOPHER GOODWIN, individually;
and **BETHANY GOODWIN**, individually.

Plaintiffs,

v.

ZOIE SAUNDERS, in her official capacity
as Interim Secretary of the Vermont Agency
of Education; **JENNIFER DECK
SAMUELSON**, in her official capacity as
Chair of the Vermont State Board of
Education; **CHRISTINE BOURNE**, in her
official capacity as Windsor Southeast
Supervisory Union Superintendent;
HARTLAND SCHOOL BOARD;
RANDALL GAWEL, in his official
capacity as Orange East Supervisory Union
Superintendent; **WAITS RIVER VALLEY
(UNIFIED #36 ELEMENTARY)
SCHOOL BOARD**; and **JAY NICHOLS**,
in his official capacity as the Executive
Director of The Vermont Principals'
Association,

Defendants.

Case No. 2:23-cv-00652-gwc

**PLAINTIFFS' MOTION FOR INJUNCTION
PENDING APPEAL**

Plaintiffs Mid Vermont Christian School, A.G., M.G., Christopher Goodwin, and Bethany Goodwin, move this Court for an immediate injunction pending appeal against Defendant Jay Nichols (“the VPA”) pursuant to Fed. R. Civ. P. 62(d). This Motion is supported by Plaintiffs’ previously filed documents, including the Verified Complaint (ECF No. 1) and the Declarations of Vicky Fogg, Christopher Goodwin, Bethany Goodwin, and Nathaniel and Dawna Slarve (ECF Nos. 14-15, 14-16, 14-17, 14-18, 42-4, 42-5, 58-1). It is also supported by the attached Memorandum in Support and Third Declaration of Christopher Goodwin.

Standard. Plaintiffs have appealed this Court’s Order on Motion for Preliminary Injunction (ECF No. 57). They seek an injunction against the VPA as the appeal proceeds at the Second Circuit Court of Appeals. *See* Fed. R. App. P. 8(a)(1)(C) (party “must ordinarily move first in the district court for ... an order ... granting an injunction while an appeal is pending”). Plaintiffs are entitled to an injunction because: (a) they are still likely to succeed on the merits of their free exercise claims; (b) they are currently being irreparably harmed by being excluded from the VPA, including by being barred right now from scheduling games for upcoming and future seasons, thereby damaging the School now and for future seasons; and (c) an injunction would secure their constitutional rights and benefit the public interest. *See Agudath Israel of Am. v. Cuomo*, 980 F.3d 222, 226 (2d Cir. 2020) (per curiam).

Timing. Given the ongoing constitutional violations and irreparable harm, Plaintiffs request the Court expedite the briefing schedule on this motion and issue an **order no later than July 5, 2024**, so that Plaintiffs can be readmitted to the VPA and begin to partake in the scheduling process. Plaintiffs intend to seek relief at the Second Circuit Court of Appeals should this Court “fail[] to afford the relief requested.” Fed. R. App. P. 8(a)(2)(A)(ii).

Requested relief. Plaintiffs move for the following relief pending their appeal:

1. Order the VPA to allow Mid Vermont Christian School to rejoin the VPA as a full-status member eligible to participate in all VPA sanctioned events and activities;
2. Enjoin the VPA from applying or enforcing its gender identity policy against Mid Vermont Christian;
3. Enjoin the VPA from penalizing the School for exercising its religious beliefs about sex and gender, including by penalizing the School in any way for forfeiting VPA competitions where the School is set to compete against an opposing girls' team that has a male participant (or vice versa);
4. Issue the above-requested relief without bond.

Dated: June 21, 2024

Respectfully submitted,

s/ Ryan J. Tucker

Ryan J. Tucker*

AZ Bar No. 034382

David Cortman

AZ Bar No. 29490

Katherine Anderson*

AZ Bar No. 033104

ALLIANCE DEFENDING FREEDOM

15100 N. 90th Street Scottsdale, AZ 85260

(480) 444-0020

rtucker@adflegal.org

dcortman@adflegal.org

kanderson@adflegal.org

Jacob Reed*

VA Bar No. 97181

ALLIANCE DEFENDING

FREEDOM

44180 Riverside Parkway

Lansdowne, VA 20176

Telephone: (571) 707-4655

jreed@ADFlegal.org

s/ Michael J. Tierney

Michael J. Tierney

VT Bar No. 5275

Gretchen M. Wade

NH Bar No. 273726

WADLEIGH, STARR & PETERS, P.L.L.C.

95 Market Street

Manchester, NH 03101

Telephone: (603) 669-4140

Fax: (603) 669-6018

mtierney@wadleighlaw.com

gwade@wadleighlaw.com

Attorneys for Plaintiffs

**Admitted pro hac vice*

CERTIFICATE OF SERVICE

I hereby certify that on June 21, 2024, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will serve all counsel of record.

s/ Ryan J. Tucker
Ryan J. Tucker
Counsel for Plaintiffs

CERTIFICATE OF COMPLIANCE

I hereby certify that, pursuant to Local Rule 7(a)(7), I made a good faith attempt to obtain the opposing parties' agreements to Plaintiffs' requested relief. The VPA's counsel stated the VPA did not agree to the requested relief.

s/ Ryan J. Tucker
Ryan J. Tucker
Counsel for Plaintiffs